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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/784,781

Applicant(s)

KLASSEN ET AL.

Examiner

JOHN M. HEFFINGTON

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 8/13/08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to amendment filed 3 July 2008. Claims 1-20 have been canceled. Claims 21-41 have been added. Claims 21 and 33 have been amended. Claims 21-41 are pending and have been considered below.

Response to Arguments

1. Applicant's arguments, see Applicant's Arguments/Remarks, filed 3 July 2008, with have been fully considered and are persuasive. The examiner agrees that the examiner did not address all of the arguments filed by the applicant on 28 January 2008 in the Non-Final Office Action filed 4 April 2008. Therefore, the examiner is issuing a second Non-Final Office Action.

Remarks:

The applicant argues that the Nokia 9210 Communicator is not analogous to the claimed wireless communication device having a small display, that the Nokia 9210 Communicator has a screen and form factor that is substantially larger than the typical personal digital assistant or cellular phone in use today, or at the time of filing of Applicant's application (February 24, 2004), as evidenced by the filing date of Salmimaa (April 26, 2001, or almost three years prior), and that one skilled in the art would appreciate that wireless communication devices shrank substantially of the period from 2001 to 2004. The examiner respectfully disagrees. The applicant has made these assertions without any supporting evidence. The only references to "small display size"

in the instant application is in the description at page 2, lines 5-7, and in claims 21 and 33. Figures 3-8 disclose display screens but give no indication of the relative size of the screens. On page 2 of the included description of the Nokia 9210 Communicator, it is stated that the "communicator consists of two parts: the phone on the device cover and the communicator interface under the cover." On page 6 of the included description of the Nokia 9210 Communicator, a person is shown holding a Nokia 9210 Communicator like a cell phone. On page 7 of the included description of the Nokia 9210 Communicator, the dimensions are given as 158 mm (6.22 in) x 56 mm (2.20 in) x 27 mm (1.06 in). According to the figure on page 3 of the included description of the Nokia 9210 Communicator, the Communicator screen must necessarily be smaller than 158 mm (6.22 in) x 56 mm (2.20 in). It is the examiners opinion that it is not unreasonable to conclude that one of ordinary skill in the art would consider the Communicator screen to be a small screen. The specification provides no definition for a "small display size" or any criteria for judging a "small display size" apart from a display size of any other size. Therefore, the examiner maintains the position that the mobile terminal cited in Salmimaa and the Nokia 9210 Communicator are analogous art.

The applicant argues that the icon in Salmimaa used to launch an application is associated with either a hyperlink or a document and do not represent respective applications. The examiner respectfully disagrees. Salmimaa discloses that "icons can correspond to application programs" (abstract). Further, Salmimaa discloses that icons "may comprise a corporate logo or other graphic symbol corresponding to an

application, a hyperlink to a Web page, an informational message, a document, a pre-populated email inquiry, or any of various other types of objects." Salmimaa also discloses that an application launcher "launches an application associated with the selected icon in response to further user input." (paragraph 0038) Salmimaa then cites an example of starting a web browser application if the particular icon has an associated hyperlink or launching a document viewer or editor if the icon represents a document (paragraph 0038). Salmimaa only uses the instances of selecting a hyperlink to launch a web browser and selecting a document icon to launch a document viewer or editor as examples and in no way limits the disclosed icons to hyperlinks and documents or the applications to a web browser and document viewer or editor. Therefore, the examiner has interpreted the disclosed icons to mean any kind of icon representing any kind of application. Further, the user input disclosed to launch the associated application is not specifically limited, and could, therefore, be interpreted to mean any well known method of selecting an icon to launch an application.

The applicant argues that no intermediate component, such as the application launcher disclosed in Salmimaa, is needed in the claimed invention. The examiner respectfully disagrees. Claims 21 and 33 do not claim that an intermediate component is not needed to launch an application when a respective icon is selected and neither is it a stated objective of the instant invention to be able to launch an application without the need for an intermediate component, such as an application launcher, when a respective icon is selected. The claims simply recite that each application icon is

"invokable to launch its respective application." The application launcher in Salmimaa which is invoked in response to further user input on a selected icon (paragraph 0038) enables the icon to be invokable in that further user input on the selected icon invokes or launches an application.

The applicant argues that there is no reason why one skilled in the art would be motivated to modify the teachings of Salmimaa with the teachings of Hellebust. The examiner respectfully disagrees. Salmimaa discloses a system and method wherein a mobile terminal receives messages from a number of entities and icons corresponding to the messages are ranked according to one or more context values and displayed using a display format that indicates the degree of matching between characteristics associated with the icon and one or more of the context values (paragraph 0026). Other criteria can be used to filter and display the icons corresponding to such entities and messages (paragraph 0027). The icons may correspond to an email application (paragraph 0031). Hellebust discloses a filtered in-box for voice mail, email, pages, web-based information, and faxes (title). Hellebust further discloses a system for displaying, organizing, and prioritizing the incoming information on a wireless device, wherein the wireless device can display the number of internet information alerts that have been received by the wireless device during a specified time period (abstract). Both Salmimaa and Hellebust receive, filter and display information related to messages received. The filtering, displaying and organizing criteria is user definable in both Salmimaa (paragraph 0025) and Hellebust (paragraph 0014). One could be motivated

to modify Salmimaa with Hellebust to give Salmimaa the capability to further classify and categorize the received messages and to indicate the number of messages received related to a specific application.

The applicant argues that the mobile terminal of Salmimaa is fundamentally different from the wireless communication device presently claimed. The examiner respectfully disagrees. The instant independent claims recite the limitations of a wireless communication device as follows:

21. (Currently Amended) A method for providing notifications of new events on a wireless communication device having a small display, the wireless communication device having a graphical user interface 'GUI' displayed on a display of the wireless communication device, the GUI having a main screen comprising an application portion for displaying icons for respective applications ~~or functions~~ for execution on the wireless communication device and a status portion for displaying wireless communication device status information, the method comprising:

33. (Currently Amended) A graphical user interface 'GUI' for a wireless communication device having a small display and a controller coupled to a memory, the memory storing a plurality of applications for managing respective events, the graphical user interface 'GUI' being provided for the applications and displayed on a display, the GUI comprising:

The limitations of the claimed communication device are as follows:

1. wireless
2. small display
3. graphical user interface (GUI)
4. controller
5. memory

The mobile terminal of Salmimaa is characterized by the following features:

1. wireless (paragraph 0034)
2. small display (figure 4)
3. GUI (figure 4, claim 30)
4. controller (microprocessor or other computing device) (paragraph 0034)
5. memory (paragraph 0034)

It is the opinion of the examiner that the communication device of the instant invention and the mobile terminal of Salmimaa are indeed fundamentally the same.

The applicant argues that Salmimaa does not disclose or suggest displaying icons in an application portion of the screen because the screen of Salmimaa is sufficiently large such that the icons are arranged along an edge of the screen. The examiner respectfully disagrees. Salmimaa discloses that the mobile terminal of Salmimaa may comprise a cellular telephone (paragraph 0024). If Salmimaa was concerned with displaying icons on screens with sufficiently large sizes, then Salmimaa would not have identified cellular phones as constituting an embodiment of the invention. Salmimaa goes on to disclose that the icons can be presented in a circular, spiral, or other two-dimensional pattern radiating outward from a center point, such that icons in the center area are larger (or more prominent) than icons that radiate outwardly from the center (paragraph 0024). Salmimaa makes no mention of screen size in determining a display

pattern of the icons. It is the citation of the Nokia 9210 Communicator (paragraph 0024) that introduces the division of the screen into status area and another area (Nokia 9210 Communicator, included page 3). Salmimaa discloses that the icons can represent application programs (paragraph 0031). Therefore, it is a clear embodiment of Salmimaa for the mobile terminal to have a status area for displaying wireless communication device status information and an application program icon area.

The applicant argues that Salmimaa does not teach or suggest a wireless communication device having both an application portion for displaying icons and a status portion for displaying wireless communication device information. The examiner respectfully disagrees. Salmimaa discloses that the icons can represent application programs (paragraph 0031). It is the citation of the Nokia 9210 Communicator (paragraph 0024) that introduces the division of the screen into status area and another area (Nokia 9210 Communicator, included page 3). Therefore, it is a clear embodiment of Salmimaa for the mobile terminal to have a status area for displaying wireless communication device status information and an application program icon area.

The applicant argues that the change of size of the icons disclosed by Salmimaa is not in response to a new event in respect of one of the applications, as claimed in the instant invention. The examiner respectfully disagrees. Salmimaa explicitly discloses that the displayed icons may be application icons (abstract, paragraph 0031). Further, Salmimaa discloses:

Each content provider transmits messages that can be received by mobile terminal 401. Messages may include information such as the geographic location of an establishment; proximity of the establishment to a particular mobile user or other geographic location; price information; corporate logos; pictographic icons; hyperlinks to Web pages; advertisements (including audio, video, or text); entertainment services (e.g., music, videos, and the like); indicators identifying grades of service (e.g., AAA ratings, hotel "star" ratings, restaurant rankings, and the like); availability of services (e.g., indicating whether a hotel has vacancies; that a particular restaurant is crowded; or the average waiting time for service at a particular restaurant); personal e-mails from friends or family, or any other type of information (paragraph 0035).

As can be seen above, Salmimaa discloses that the received messages can be of various types, images (logos or icons), hyperlinks, text advertisements, music, video, email, etc. Each of these types of messages would be manipulated by a different application program, e.g. graphics program, web browser, text display, music player, video player, email application, etc. A received message for one of these applications would be a new event related to that application. Salmimaa discloses that when a new message, i.e. a new event, is received, the appropriate icon is visually altered in some way to indicate that the new message, i.e. new event, has been received (paragraph 0037).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 21-24, 29, 30, 33, 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salmimaa (US 2002/0160817 A1) in view of Nokia 9210 Communicator

(http://www.nokia.com/EUROPE_NOKIA_COM_3/r2/support/tutorials/9210i/english/intro.html).

Claim 21: Salmimaa discloses a method for

- a. providing notifications of new events on a wireless communication device having a small display (paragraphs 0024, 0026, figure 4),
- b. the wireless communication device having a graphical user interface 'GUI' displayed on a display of the wireless communication device (paragraph 0024, figure 1),
- c. the GUI having a main screen comprising an application portion for displaying icons for respective applications for execution on the wireless communication device (paragraph 0009, figure 1),
- d. the method comprising: providing on the main screen and in the application portion a plurality of application icons each representing an application for

- managing respective events on the wireless device and each being invocable to launch its respective application (paragraphs 0009, 0024, 0026, 0038, figure 1),
- e. the application icons occupying a major portion of the main screen (paragraphs 0009, 0024, figure 1); and
 - f. in response to a new event in respect of one of the applications, visually modifying the respective application icon in the application portion of the main screen to notify of the new event (paragraph 0013, 0027); wherein
 - g. the application icons are maintained on the main screen continuously (paragraphs 0009 and 0024),

but does not disclose a status portion for displaying wireless communication device status information. However, Salmimaa discloses that the mobile terminal could be a Nokia 9210 Communicator (paragraph 0024). As disclosed in the included reference material for the Nokia 9210 Communicator, the Nokia 9210 includes a status portion for displaying wireless communication device status information (pages 3 and 4).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add a status portion for displaying wireless communication device status information to Salmimaa. One could have been motivated to add a status portion for displaying wireless communication device status information to Salmimaa because, as noted in paragraph 0024 of Salmimaa, the mobile terminal may comprise a Nokia 9210 Communicator, therefore, the features of the Nokia 9210 are necessarily included in the limitations of the Salmimaa.

Claim 33: Salmimaa discloses

- a. a graphical user interface 'GUI' for a wireless communication device (paragraph 0024, figure 1)
- b. having a controller coupled to a memory (figure 4),
- c. the memory storing a plurality of applications for managing respective events (paragraph 0009, figure 4),
- d. the graphical user interface 'GUI' being provided for the applications and displayed on a display (paragraphs 0009, 0024, 0026, figure 1) , the GUI comprising:
- e. a main screen for displaying on the display, the main screen comprising an application portion for displaying a plurality of application icons associated with a respective application in the plurality of applications and each being invocable to launch its respective application (paragraphs 0009, 0024, 0026, 0038, figure 1),
- f. the application icons occupying a major portion of the main screen (paragraphs 0009, 0024, 0026, figure 1);
- g. at least one monitoring component to determine the occurrence of new events of the applications (paragraphs 0009, 0024, 0026, figure 1); and
- h. at least one icon modifying component to visually modify at least one of the application icons in the application portion of the main screen in response to a new event in respect of at least one of the applications to notify of the new event (paragraph 0013, 0027, figure 4); wherein

- i. the application icons are maintained on the main screen continuously (paragraphs 0009 and 0024).

but does not disclose a status portion for displaying wireless communication device status information. However, Salmimaa discloses that the mobile terminal could be a Nokia 9210 Communicator (paragraph 0024). As disclosed in the included reference material for the Nokia 9210 Communicator, the Nokia 9210 includes a status portion for displaying wireless communication device status information (pages 3 and 4).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add a status portion for displaying wireless communication device status information to Salmimaa. One could have been motivated to add a status portion for displaying wireless communication device status information to Salmimaa because, as noted in paragraph 0024 of Salmimaa, the mobile terminal may comprise a Nokia 9210 Communicator, therefore, the features of the Nokia 9210 are necessarily included in the limitations of the Salmimaa.

Claims 22 and 38: Salmimaa and Nokia 9210 Communicator disclose a method and GUI as in claims 21 and 33 and further discloses an application launcher that launches an application associated with a selected icon in response to further user input (paragraph 0038).

Claim 23: Salmimaa and Nokia 9210 Communicator disclose a method of claim 21 featuring an icon of a user more prominently when an email from that user is received, i.e. monitoring for new email messages (events) (paragraph 0045).

Claim 24: Salmimaa and Nokia 9210 Communicator disclose a method of claim 21 modifying application icons in response to the messages (paragraph 0013), thereby determining which modification should be made to the icon.

Claim 29: Salmimaa and Nokia 9210 Communicator disclose a method of claim 21 for an application launcher that launches an application associated with a selected icon in response to further user input, for example, a web browser or a document (paragraph 0038).

Claims 30 and 39: Salmimaa and Nokia 9210 Communicator disclose a method and a Graphical User Interface (GUI) for a mobile terminal of claims 21 and 33 that includes a microprocessor and a memory that communicates with one or more content providers via a wireless means (paragraph 0034).

5. Claims 25-28, 31, 32, 34-37, 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salmimaa (US 2002/0160817 A1) in view of Nokia 9210 Communicator disclose and further in view of Hellebust (US 2005/0248437 A1).

Claims 25 and 34: Salmimaa and Nokia 9210 Communicator disclose a method and a graphical user interface (GUI) modifying application icons in response to the messages (paragraph 0013) as in claims 24 and 33 above, thereby determining which modification should be made to the icon, but does not disclose keeping a count of the number of messages received for each icon. Hellebust discloses a method showing the number of messages received under each of the categories (paragraph 0017). Therefore, it would have been obvious to one having ordinary skill in the art for Salmimaa to include a message count for each icon. One would have been motivated to include a message count for each icon to because some of the application programs cited in Salmimaa are capable of receiving multiple messages, for example emails, therefore, it would have been useful in Salmimaa do indicate the number of new email messages received in association with the email application icon.

Claims 26 and 35: Salmimaa and Nokia 9210 Communicator disclose a method and GUI of a mobile terminal of claims 21 and 33 receiving messages (paragraph 0026) and modifying application icons in response to the messages (paragraph 0013) as in claims 1 and 12 above, but does not disclose a method of displaying a preview of content of a new event. Hellebust discloses a method for the display of the wireless device to be updated to reflect that a new message has arrived by displaying the actual message (paragraph 0011). Therefore, it would have been obvious for to one having ordinary skill in the art for Salmimaa to include a view of the actual message for an icon when a new message arrives. One would have been motivated to display the actual message

for an icon when a new message arrives in order to display the content of the message rather than just the modification of the icon.

Claims 27 and 36: Salmimaa, Nokia 9210 Communicator and Hellebust disclose a method and GUI of a mobile terminal of claims 26 and 35 receiving messages (paragraph 0026) and modifying application icons in response to the messages (paragraph 0013) and Hellebust discloses a method for the display of the wireless device to be updated to reflect that a new message has arrived by displaying the actual message (paragraph 0011) as in claims 6 and 12 above. Salmimaa further discloses a method of an application launcher that launches an application associated with a selected icon in response to further user input (paragraph 0038).

Claim 28 and 37: Salmimaa, Nokia 9210 Communicator and Hellebust disclose a method and GUI of claims 27 and 36 for receiving messages (Salmimaa, paragraph 0026), modifying application icons in response to the messages (Hellebust, paragraph 0013) and an application launcher that launches an application associated with a selected icon in response to further user input (Salmimaa, paragraph 0038) as in claim 7 above, but do not disclose displaying a content preview in a dialog box. A dialog box is a very common way to display information separately from another window at the time of the invention. Therefore, it would have been obvious for Salmimaa and Hellebust to display a preview of content in a dialog box. One would have been motivated to display a preview of content in a dialog box in order to maximize display

space by displaying separate information over other information, therefore adding a third dimension of display space.

Claims 31 and 40: Salmimaa and Nokia 9210 Communicator disclose the method and GUI of claims 21 and 33, but does not disclose in response to a plurality of new events, visually modifying the icon of the one application in the application portion to notify of the plurality of new events. However, Salmimaa discloses modifying icons according to messages that come in from outside sources, for example, email messages, price or location (paragraphs 0003, 0026, 0027) and Hellebust discloses keeping count of messages received in each category (0017). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add in response to a plurality of new events, visually modifying the icon of the one application in the application portion to notify of the plurality of new events to Salmimaa. One could have been motivated to add in response to a plurality of new events, visually modifying the icon of the one application in the application portion to notify of the plurality of new events to Salmimaa because an email application may receive a plurality of email messages or a single icon more than one or more context messages, i.e. price and location. Therefore, an icon may be modified to display the count of email messages or the plurality of messages received concerning, for example, price or location.

Claims 32 and 41: Salmimaa, Nokia 9210 Communicator and Hellebust disclose the method and GUI of claims 31 and 40 and further discloses visually modifying the icon of

the one application in the application portion comprises displaying a preview of a new event (Salmimaa: paragraphs 0026, 0013, Hellebust: paragraph 0011), but does not disclose visually modifying the icon of the one application in the application portion comprises displaying a preview of a content of each of the plurality of new events. However, it would have been obvious to one having ordinary skill in the art at the time of the invention to add visually modifying the icon of the one application in the application portion comprises displaying a preview of a content of each of the plurality of new events to Salmimaa and Hellebust. One could have been motivated to add visually modifying the icon of the one application in the application portion comprises displaying a preview of a content of each of the plurality of new events to Salmimaa and Hellebust because if Salmimaa and Hellebust disclose visually modifying the icon of the one application in the application portion comprises displaying a preview of a single new event, then Salmimaa and Hellebust could visually modifying the icon of the one application in the application portion comprises displaying a preview of a plurality of new events.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Heffington whose telephone number is (571) 270-1696. The examiner can normally be reached on Mon - Fri 8:00 - 5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMH

/Ba Huynh/

Primary Examiner, Art Unit 2179